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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,237	12/31/2001	Tameka Spence	KCC 4782 (K.C. No. 17,029	7293

321 7590 05/22/2003

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

HALPERN, MARK

ART UNIT

PAPER NUMBER

1731

10

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,237	Applicant(s) SPENCE ET AL.	
	Examiner Mark Halpern	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-20 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

DETAILED ACTION

- 1) Applicants amend claims 1, 3, 5, 7, 9, 12, cancel claims 2, 8, 21-22, and offer new claims 23-25, for consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 1, 3-4, 7, 9-14, 17-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (2,935,437) in view of Shannon (6,488,812).

Claims 1, 3-4, 7, 9-10, 12-14, 17-19: Taylor discloses a method wherein paper stock pulp is deposited over a wire of Fourdrinier machine to form a paper web. The formed web is then dewatered and dried (Taylor, col. 2, lines 15-20, and col. 4, lines 54-59). Sodium bicarbonate is added to the furnish for pH control prior to depositing of the stock onto the forming wire. The pH range is from 4 to about 9.2 (Taylor, col. 2, lines 20-55). Taylor fails to disclose that the web is dried by heated gas, air, having a temperature of at least 190 °C. Shannon discloses air drying of formed web at about 390 °F (about 199 °C) (Shannon, col. 14, lines 15-36). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Taylor and Shannon, because such a combination would provide quality drying of the

Art Unit: 1731

formed paper product in the design of Taylor, since Shannon teaches of 99 % consistency of the final dried product.

Claim 11: the paper stock may be made of broke, cuttings, scraps of paper (col. 2, lines 17-26) and rag fiber (col. 7, line 65).

Claim 20: the paper stock may be made of broke, cuttings, scraps of paper (col. 2, lines 17-26) and rag fiber (col. 7, line 65).

3) Claims 5-6, 15-16, 23-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Shannon, and further in view of Espy (5,674,358). Taylor in view of Shannon is applied as above for claims 1, 12, Taylor in view of Shannon fail to disclose that the sodium bicarbonate is introduced into aqueous suspension in the amount from about 10 to about 15 % by weight of papermaking fiber. Espy discloses a process of repulping paper wherein 3.60 grams of sodium bicarbonate is introduced into an aqueous suspension of 1.5 liter of water containing 20 grams of paper (Example 1, col. 5-6, Table 1, sub-line (b), and Example 7, col. 7, line 58 to col. 8, line 3). The Espy percentage of sodium bicarbonate in an aqueous suspension calculates to 18 %. It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Taylor and Shannon with Espy into the design of Taylor, because such a combination would improve the wet strength characteristics of the paper product as disclosed by Espy (Abstract).

Response to Amendment

- 4) Claims 1, 3-4, 11, rejection under 35 U.S.C. 102(b) as being anticipated by Taylor, is withdrawn in view of amended and cancelled claims.
- 5) Claims 5-6, 15-16, objection and indication of allowable subject matter is withdrawn in view of further search of art in prior art.
- 6) Claim 21 rejection under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taylor, is withdrawn in view of cancelled claim.
- 7) Claim 22 rejection under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Chen, is withdrawn in view of cancelled claim.
- 8) Applicants' arguments filed 3/24/2003, have been fully considered but they are not persuasive.

Applicants allege that the cited references, Taylor and Shannon, are not properly combined in that there is no motivation to combine the references, and that the references fail to recognize odor control.

The examiner responds that the cited references are properly combined, because such a combination would provide quality drying of the formed paper product in the design of Taylor, since Shannon teaches of 99 % consistency of the final dried product. Odor control is not claimed.

Conclusion

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

MH

Mark Halpern
Patent Examiner
Art Unit 1731

May 21, 2003


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700